

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 19, 2000  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays and City Clerk Reimche

Seated at the staff table were: Deputy City Manager Keeter, Public Works Director Prima and  
Community Development Director Bartlam

Other staff members were seated in the audience.

2. INVOCATION

The invocation was given by Pastor Ron Payne, Cornerstone Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Lorraine Kohr with the Delta Blood Bank proclaiming the month of January as "National Volunteer Blood Donor Month" in the City of Lodi.
- b) Summer Pennino with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Ryan Goldhahn from Tokay High School, and the Honorary Teen of the Month, Shawna Sutherland from Tokay High School.
- c) Scott Keithley, representing the Lodi Lions Club, presented Mayor Mann with a check in the amount of \$5,000 toward repayment of its loan to build the picnic shelter at Legion Park.
- d) Mayor Mann recognized Arwen E. Chenery, District Representative to Senator Patrick Johnston, in acknowledgment of her involvement with the City of Lodi. Mayor Mann informed her that a Certificate of Appreciation would be forwarded to her.

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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Land, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$5,128,419.60.
- b) The minutes of January 5, 2000 (Regular Meeting) and January 11, 2000 (Special Meeting) were approved as written.
- c) Received the report of sale of surplus equipment in the amount of \$5,855.00.

- d) Approved the plans and specifications for East Lodi Avenue Parcel Site Clearing and Building Demolition and authorized advertising for bids.
- e) Approved the plans and specifications for Electric Utility Substructures, Turner Road/McLane Substation and authorized advertising for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- f) Approved the specifications for sixty Lodi post-top (globe) luminaires and authorized advertising for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- g) Approved the specifications for the rental of safety clothing on a two-year contract for the Electric Utility Department and authorized advertising for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- h) Approved the specifications for thirty-two conventional polemount transformers in the following sizes and authorized advertising for bids:  
  
10 each 25KVA 120/240V  
15 each 37.5KVA 120/240V  
7 each 50KVA 120/240V  
  
**(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- i) Authorized advertising for bids for the sale of two surplus power transformers. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- j) Adopted Resolution No. 2000-04 authorizing the purchase of 25 "Lodi Replica" concrete street light standards from the sole supplier, Traditional Concrete (represented by NCS Company of Auburn, CA), in the amount of \$28,571.25. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- k) Adopted Resolution No. 2000-05 accepting the development improvements for Sunwest XIV, Unit No. 1, Tract No. 2800, and amending Traffic Resolution 97-148 by designating Tienda Drive as a through street.
- l) Adopted Resolution No. 2000-06 authorizing the City Manager to execute a professional services contract with Navigant Consulting, Inc. for Street Lighting Consulting Assistance in an amount not to exceed \$16,100. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- m) Agenda item #E-13 entitled, "Approve participation in contracts for replacement of Granular Activated Carbon (GAC) for DBCP Treatment Systems" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- n) Agenda item #E-14 entitled, "Letter to United States Environmental Protection Agency commenting on proposed drinking water regulations concerning radon" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

- o) Adopted Resolution No. 2000-08 granting permission to destroy certain Police Department records listed below in excess of five years of age:
- Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees.
  - Background investigations of previous applicants not hired, over five years old.
  - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
  - Investigations of Citizens Complaints over five years old.
- p) Adopted Resolution No. 2000-09 granting permission to destroy certain Human Resources Department records listed below:
- Personnel employment records of separated full-time employees (over five years old).\*
  - Applications for employment from expired eligible lists (over two years old).
  - Examination files (over five years old).
  - General Liability files (over five years old).
  - Workers Compensation files (over five years old).
- \*Microfilm copy of records will be kept.
- q) Agenda item #E-17 entitled, "Resolution to support the passage of Proposition 26, 'The Majority Rule Act for Smaller Classes, Safer Schools and Financial Accountability' that is scheduled for the March 7, 2000 election" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-13 entitled, "Approve participation in contracts for replacement of Granular Activated Carbon (GAC) for DBCP Treatment Systems".

Mayor Pro Tempore Nakanishi requested that a report be given on this matter.

Public Works Director Prima reported that the City of Lodi currently has six wells with treatment systems that use granular activated carbon (GAC) to remove dibromochloropropane (DBCP). Well 4R's treatment system went off line in October 1999 due to the GAC no longer able to remove DBCP to the required 0.2 parts-per-billion level. Three other treatment systems are anticipated to require GAC replacement during the 1999/2001 budget period.

The City of Fresno solicited bids for the purchase and regeneration of GAC used in DBCP treatment systems. Fresno has numerous GAC treatment systems and received prices commensurate with its volume of GAC purchases. USFilter (formerly Northwestern Carbon) had the lowest bid for the City of Fresno on the items Lodi is requiring. Northwest Carbon furnished the City of Lodi with GAC in the past and constructed the GAC vessels at Well 4R. The City Attorney has reviewed the offer allowing the City to purchase carbon under the terms of the City of Fresno contract.

Following a brief discussion, the City Council, on motion of Mayor Pro Tempore Nakanishi, Pennino second, unanimously adopted Resolution No. 2000-07 authorizing the City Manager to execute the necessary agreements to purchase/regenerate GAC from USFilter under the applicable terms of the City of Fresno's contract and to execute similar agreements with USFilter or other firms offering participation in contracts deemed in the best interest of the City for other wells requiring GAC replacement through the end of the 1999/2001 budget period.

- b) Agenda item #E-14 entitled, "Letter to United States Environmental Protection Agency commenting on proposed drinking water regulations concerning radon".

Council Member Nakanishi requested that a report be given regarding this matter.

Public Works Director Prima reported that the United States Environmental Protection Agency (US EPA) has proposed radon regulations that will have a major impact to the City's water utility. Radon is a colorless, odorless gas that occurs naturally in some groundwaters. Adverse (theoretical) health effects are predominately due to airborne radon. The comment period for the proposed regulations has been extended to February 4, 2000.

The proposed regulations contain a 300 pico-curies per liter (pCi/L) Maximum Contaminant Level (MCL) and a 4,000 pCi/L Alternative Maximum Contaminant Level (AMCL). The AMCL is applicable only if the State of California (or presumably the City of Lodi) institutes a "multi-media mitigation (MMM) program" to reduce radon in indoor air. All but one of Lodi's wells measure above the 300 pCi/L level and all wells are below 900 pCi/L.

Radon in drinking water plays a very small role in overall health risks. The US EPA level of concern for radon in the air is 4 pCi/L. Radon in water at 4,000 pCi/L contributes only 0.4 pCi/L to radon in air, and radon in water at 300 pCi/L contributes only 0.03 pCi/L to radon in air.

The US EPA is trying to regulate the radon in the air through drinking water regulations. It could be very costly to put radon treatment systems on 23 of Lodi's wells. Ironically, treatment consists of "air-stripping" in tall towers, which transfers radon to the atmosphere. We assume that we will be required to capture the radon with air filters. Costs are estimated to be greater than the cost of DBCP treatment with capital costs exceeding \$350,000 per well for a total of \$8,000,000.

Following discussion, the City Council, on motion of Mayor Pro Tempore Nakanishi, Hitchcock second, unanimously authorized the Mayor to send letter to the US EPA opposing the proposed drinking water regulations concerning radon, and to forward copies to the congressional representatives. Council additionally requested that staff send letters to Senator Johnston, Assemblyman Pescetti and the League of California Cities asking for their support in opposing the proposal.

- c) Agenda item #E-17 entitled, "Resolution to support the passage of Proposition 26 – 'The Majority Rule Act for Smaller Classes, Safer Schools and Financial Accountability' that is scheduled for the March 7, 2000 election".

Community Development Director Bartlam reported that Proposition 26 will lower the voting requirement for passage of local school bonds from two-thirds majority to a simple majority and change existing law regarding charter school facilities.

Voting Requirement for Passage of Local School Bonds

This proposition allows (1) school facilities bond measures to be approved by a majority (rather than two-thirds) of the voters in local elections and (2) property taxes to exceed the current 1 percent limit in order to repay the bonds.

This majority vote requirement would apply only if the local bond measure presented to the voters includes:

- A requirement that the bond funds can be used only for construction, rehabilitation, equipping of school facilities, or the acquisition or lease of real property for school facilities.
- A specific list of school projects to be funded and the school board certifies it has evaluated safety, class size reduction, and information technology needs in developing the list.
- A requirement that the school board conduct annual, independent financial and performance audits until all bond funds have been spent to ensure that the bond funds have been used only for the projects listed in the measure.

#### Charter School Facilities

This proposition requires each local K-12 school district to provide charter school facilities sufficient to accommodate the charter school's students. The district, however, would not be required to spend its general discretionary revenues to provide these facilities for charter schools. The district, however, could choose to use these or other revenues, including state and local bonds.

The proposition also provides that:

- The facilities must be reasonably equivalent to the district schools that these students would otherwise attend.
- The district may charge the charter school for its facilities.
- A district may decline to provide facilities for a charter school with a current or projected enrollment of fewer than 80 students.

Staff indicated its belief that this proposition should be supported.

Council Member Nakanishi voiced his opposition to the issuance of more bonds, particularly when the State has a surplus of funds.

Following discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, adopted Resolution No. 2000-10 supporting the passage of Proposition 26, "The Majority Rule Act for Smaller Classes, Safer Schools and Financial Accountability" that is scheduled for the March 7, 2000 election by the following vote:

Ayes: Council Members – Hitchcock, Land, Pennino and Mann (Mayor)  
Noes: Council Members – Nakanishi  
Absent: Council Members – None

#### 7. PUBLIC HEARINGS

None.

#### 8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Land, Pennino second, unanimously rejected the following claims:
1. John Ball, date of loss 9/22/99
  2. Jacqueline Mackey-Mack, date of loss 11/11/99
  3. Greg Baroni, date of loss 12/4/99

9. REGULAR CALENDAR

None.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) George Juelch, P.O. Box 102, Wallace, who identified himself as a Lodi firefighter, stated that he feels Lodi firefighters have taken hard lumps from the newspaper. He indicated that Lodi firefighters are presently working with skeletal staffing levels, which has resulted in a mandatory callback system. He commented that the firefighters should not be badmouthed because of this. Mr. Juelch also stated that a recent newspaper article quoted the City Manager as indicating that Lodi firefighters cannot be compared with Stockton firefighters, because Lodi does not have the high-rise buildings that Stockton has. Mr. Juelch further stated that Stockton firefighters are working with a much higher staffing level than Lodi, and presented additional information pertinent to the subject.

Mr. Juelch stated that out of the 15 salary survey cities, Lodi firefighters ranked 14<sup>th</sup>. Mr. Juelch asked why Lodi firefighters have been treated the way they have when mid-managers recently received a 17-½% increase and the Human Resource Director over 30% sometime during the 90's.

Mr. Juelch also commented that the City's negotiator had indicated to the firefighters that they have not earned enough equity points in this City. He stated that the Department has responded to 3,800 calls last year.

- b) Parry L. Ray, 10801 Twin Cities Road, Galt, stated that he has been a Lodi firefighter for over 23 years. Mr. Ray talked about the increased hours that firefighters work over regular employees and reiterated some of the same concerns voiced by Mr. Juelch.
- c) Ron Heberle, 1440 Iris Drive, Lodi, stated that a spokesman for the City was cited as saying that only one Lodi firefighter had left Lodi over the years for another area. He stated that this is just not true. Mr. Heberle commented that this now has been taken to a personal level when their names and actual salaries were printed in the papers. He stated that the firefighters had asked for like information regarding other City employees and were told that this could not be given out as it is confidential information. He feels that this is a double standard. Mr. Heberle stated that employees need to have a sense of value and respect, but asked that this be backed up with some action. He also indicated that he would like to see the salary comparison cities for management.
- d) Susan Heberle, 1440 Iris Drive, Lodi, stated that she was addressing the City Council basically because of articles that have recently appeared in the newspaper. She commented that she found the statement of comparison of the worth of Lodi firefighters to Stockton to be very offensive and she feels that this kind of attitude needs to stop. She stated that the City needs to make their employees feel valuable. Mrs. Heberle also stated that she felt Lodi firefighters have been put in a position of putting their lives at risk because of the reduced funding levels provided by the City.
- e) Sarah Heberle, 132 Sunset Drive, Lodi, also addressed the City Council supporting the previous comments made by firefighters. She indicated that it was her experience in politics that staff sometimes skirts the truth.
- f) Joe Hansen, Lodi firefighter, cited some of the same concerns voiced earlier and asked for more information regarding the salary survey.

Comments were made by several members of the City Council and concerns were expressed regarding some of the points that were raised. The City Manager was asked to clarify the matter of "equity points" that had been raised by the City's negotiator with the firefighters. The City Manager was also directed to determine, if possible, who had given the salary information to the media and to take the appropriate disciplinary action.

- g) Jeffery Kirst, 222 West Lockeford Street, Lodi, commended the City and its Police Department in assisting him with a recent vandalism problem he had incurred at one of his housing projects. Mr. Kirst also complimented the City on its effort in enhancing public access to information. He indicated that he particularly liked the fact that the Lodi Municipal Code is on-line; therefore, he will soon be returning his Lodi Municipal Code Book back to the City.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Land announced that Sunwest XIV, Unit No. 1, Tract No. 2800 had been accepted by the City Council this evening which action will result in the opening of Tienda Drive tomorrow.  
  
Council Member Land congratulated Steve Reeves on being installed as the new Lodi District Chamber of Commerce President and stated that he knows Steve will do an outstanding job.  
  
Council Member Land congratulated outgoing Lodi District Chamber of Commerce President Dorean Rice for a job well done. Further, Council Member Land extended his hearty congratulations to both Dorean and Walt Rice, who were seated in the audience, for being named the "Outstanding Citizen(s) of the Year".
- b) Council Member Hitchcock commented that the Breakthrough Project and its Racial and Ethnic Unity Day Celebration was held January 17, 2000 at Hutchins Street Square. Council Member Hitchcock applauded Mayor Mann for his participation in the event and congratulated all those who were responsible for making this such a memorable day.
- c) Council Member Pennino asked staff to look into the white bumps which had been installed on Tienda Drive in the vicinity of Target stating that he thought they were confusing to drivers traversing the area.
- d) Mayor Pro Tempore Nakanishi apologized to the Lodi firefighters for what happened and stated that he will do his best to help remedy the situation.

13. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at approximately 8:40 p.m. to a Closed Session to discuss the following matter:

- a) Actual litigation: Government Code §54956.9(a). One case; San Joaquin County Taxpayers Association v. City of Lodi, et al., San Joaquin County Superior Court, Case No. CV009657

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 9:15 p.m., and the Mayor indicated that Council confirmed that the City would defend the above lawsuit.

15. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 9:15 p.m.

ATTEST:

Alice M. Reimche  
City Clerk